

CHAPIN FITZGERALD SULLIVAN LLP
Kenneth M. Fitzgerald, Esq. (SBN: 142505)
kfitzgerald@cfslawfirm.com
Curtis G. Carll, Esq. (SBN: 248470)
ccarll@cfslawfirm.com
550 West "C" Street, Suite 2000
San Diego, California 92101
Tel: (619) 241-4810
Fax: (619) 955-5318
Attorneys for Defendant
TODD M. LANE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

NATIONAL CREDIT UNION) Case No.: CV10-01597 GW (MANx)
ADMINISTRATION BOARD AS)
CONSERVATOR FOR WESTERN) **Defendant Todd M. Lane's**
CORPORATE FEDERAL CREDIT) **Notice of Motion and**
UNION) **Motion to Dismiss Plaintiff's**
Plaintiff,) **First Amended Complaint**
vs.)

ROBERT A. SIRAVO, TODD M.)
LANE, ROBERT J. BURRELL,) Date: December 20, 2010
THOMAS E. SWEDBERG, TIMOTHY) Time: 8:30 a.m.
T. SIDLEY, ROBERT H. HARVEY, JR.,) Courtroom: Los Angeles, 10
WILLIAM CHENEY, GORDON)
DAMES, JAMES P. JORDAN,)
TIMOTHY KRAMER, ROBIN J.) Honorable George H. Wu
LENTZ, JOHN M. MERLO, WARREN)
NAKAMURA, BRIAN OSBERG,)
DAVID RHAMY and SHARON)
UPDIKE,)
Defendants)

1 To Parties and Their Counsel:

2 Defendant Todd M. Lane moves the Court to dismiss the First and
3 Second Claims for Relief of the First Amended Complaint under Federal Rule
4 of Civil Procedure 12(b)(6).

5 *Basis for Motion:* The First Amended Complaint contains no allegations
6 that Defendant Lane negligently breached fiduciary duties or was grossly
7 negligent. The First and Second Claims of the complaint, therefore, should be
8 dismissed.

9 *Hearing on Motion:* This motion will be heard by the Honorable George
10 H. Wu, United States District Judge for the Central District of California.
11 Judge Wu will hear the motion in Courtroom 10, located at 312 North Spring
12 Street, Los Angeles, California, on December 20, 2010 at 8:30 a.m.

13 *Pre-Motion Conference:* This motion is brought after conferring with
14 counsel for Plaintiff, under Local Rule 7-3, on October 26 and 27, 2010.

15 *Papers Supporting Motion:* This motion is based on this notice of motion
16 and motion, the supporting memorandum, the First Amended Complaint, a
17 future reply, and oral argument, if the Court permits.

18
19 DATED: November 1, 2010 CHAPIN FITZGERALD SULLIVAN LLP
20
21

22 By: /s/ Curtis G. Carll
23 Kenneth M. Fitzgerald, Esq.
24 Curtis G. Carll, Esq.
25 Attorneys for Defendant
26 TODD M. LANE
27
28